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October 31, 2003

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R. Alexander Acosta  
Assistant Attorney General  
Civil Rights Division  
U.S. Department of Justice  
900 Pennsylvania Ave, NW  
Washington, DC 20530

Dear Mr. Acosta:

I am writing to request an investigation into claims of voter intimidation in the up-coming Kentucky gubernatorial election and assignment of monitors for select precincts on election day. My staff has received reports that 59 precincts with significant African-American populations have been targeted for vote challenges by campaign officials. African-American campaign workers have also reported that a letter was circulated by a member of the Republican party, entitled a "Gubernatorial Call to Arms," that asked party members to also be present in selected districts to act as vote challengers, raising the specter of election fraud.

I find these reports to be deeply troubling as they raise both the issues of voter intimidation and election fraud. While ballot challenges may be a legal part of the campaign process, there is a fine line between legal tactics and outright voter intimidation. A provision of the Voting Rights Act of 1957 prohibits intimidation, threats or coercion designed to interfere with the right to vote. Under 42 U.S.C. § 1971(b):

No person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President.

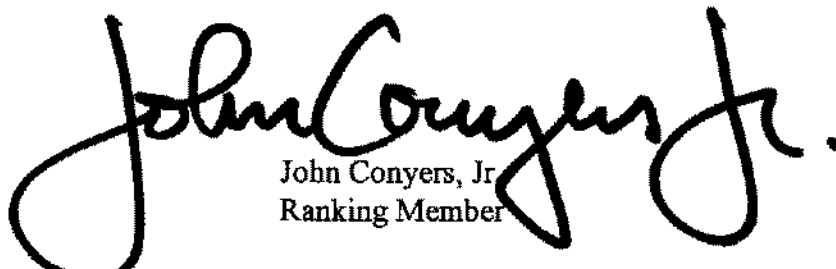
Injunctive relief is available for violations of this section. Unlike other voting rights provisions, 42 U.S.C. § 1971(b) does not require that the intimidation be the result of the voter's race or ethnicity. Moreover, interference with the right to vote has been defined broadly to include intimidation with all actions necessary to make votes effective. Nor does the provision require that the persons responsible for the intimidation be acting under color of law.

A similar example of the Justice Department's enforcement efforts under the 42 U.S.C. § 1971(b) involved the 1990 election between North Carolina Senator Jesse Helms and Charlotte Mayor Harvey Gantt. The Department sued over the Republican Party's so-called "ballot security" program, in which the state GOP mailed postcards to African-American voters designed to discourage them from coming to the polls by providing misinformation about the requirements for voters. The complaint asserted that the ballot security program constituted an act of intimidation and/or a threat, or an attempt to intimidate primarily black voters for purposes of interfering with their right to vote.

These voter intimidation tactics echo the darkest days of our struggle for voting rights. In the wake of the 2000 elections, I believe that it is important to ensure that every voter has fair and equal access to the ballot box. A voter challenge strategy with heavy racial overtones opens old wounds and should be subject scrutiny before election day.

I would like to refer this matter to the Voting Section of the Civil Rights Division so that an investigation can be initiated and election monitors assigned to the appropriate precincts. Thank you for your attention to this matter. If you have any question, please feel free to contact me or Keenan Keller of my Judiciary Committee staff at 225-6906.

Very Truly Yours,

A large, stylized handwritten signature in black ink, reading "John Conyers Jr." with a long horizontal flourish extending to the right.

John Conyers, Jr.  
Ranking Member

CC: F. James Sensenbrenner  
The Honorable John Ashcroft  
Will Moschella, Assistant Attorney General  
Joe Rich, Chief, Voting Rights Section